UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFRONIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff	Magistrate No. '08 MJ 2145 ECL
v.	COMPLAINT FOR VIOLATION OF
Jorge PEREZ-Gonzalez (MW1) and **Maria Luisa GARCIA-Romero (MW2)**	Title 18, U.S.C., Section 3144, F.R. Crim.P. (Material Witnesses)
Material Witnesses	

The undersigned complainant, being duly sworn, states:

That on or about July 12, 2008, within the Southern District of California, the above-named material witnesses did witness and observe Christian Alberto TORRES-Garciduenas violate the immigration laws of the United States, knowing and in reckless disregard of the fact that said Material Witnesses, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said Material Witnesses, and upon arrival did not bring and present said Material Witnesses immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

The above named material witnesses are citizens of Mexico with no legal right to enter, pass through, or remain in the United States. Complainant further alleges that their presence is required as material witnesses in order to prosecute Christian Alberto TORRES-Garciduenas.

And the complainant further states that he believes that said Material Witnesses are citizens of a country other than the United States, that said Material Witnesses have admitted that they are deportable as defined in Title 8, United States Code, Section 1229, that it is impracticable to secure their attendance at a trial thereof by subpoena, that they are material witnesses.

SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF ~~June~~ July 2008.

MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 12, 2008 at about 7:26pm, **Christian Alberto TORRES-Garciduenas** (TORRES) applied for entry into the United States from Mexico through the San Ysidro Port of Entry. TORRES was the driver and sole visible occupant of a silver 2002 Jeep Liberty. TORRES presented a photo-altered United States passport bearing the name Todd Robert Uyeda to a Customs and Border Protection (CBP) Officer as proof of admissibility. The CBP Officer conducted a cursory inspection of the vehicle and discovered five individuals concealed in the rear cargo area of the vehicle. The CBP Officer handcuffed TORRES and requested assistance. TORRES and the vehicle were escorted to secondary for further inspection.

In secondary CBP Officers removed a total of five individuals from the vehicle. The concealed individuals admitted being citizens of Mexico with no documents to enter or reside in the United States. Among the five individuals were **Jorge PEREZ-Gonzalez (MW1)** and **Maria Luisa GARCIA-Romero (MW2)**. MW1 and MW2 were identified as the Material Witnesses in case.

On July 12, 2008, during a videotaped proceeding, Jorge PEREZ-Gonzalez (MW1) admitted he is a citizen of Mexico by birth. MW1 admitted he does not possess the documents to lawfully enter or reside in the United States. MW1 stated he was going to Los Angeles, California to seek employment. MW1 admitted residing in the United States for four years.

MW1 stated he met a smuggler in Mexicali. MW1 stated he stayed at Hotel El Paraiso in Tijuana for three days. MW1 stated an unknown man instructed him to go to a pharmacy around 3pm. MW1 stated he was taken to an unknown house where he remained for one day. MW1 stated he entered the vehicle around 5:30 to 6:00 pm.

MW1 stated a skinny, short man with light skin and short hair held the tailgate door open as he entered the vehicle. MW1 further described the man as wearing a white or brown long sleeved shirt. MW1 stated the man had hazel eyes. MW1 stated the man wore brown colored pants. MW1 stated the man covered him and the other aliens with a black cloth. MW1 stated he was going to be charged $3,500 (USD) to $4,000.00 (USD) to be smuggled into the United States.

On July 12, 2008, during a videotaped proceeding, Maria Luisa GARCIA-Romero (MW2) admitted she is a citizen of Mexico by birth in Suchilapan, Veracruz. MW2 admitted she does not possess the documents to lawfully enter or reside in the United States. MW2 stated she was going to Los Angeles, California to seek employment. MW2 denied residing in the United States before and denied having family currently residing in the United States.

MW2 stated she arrived four days ago to Tijuana from Veracruz. MW2 stated she arrived by bus. MW2 stated she made the smuggling arrangements with a short man with short hair and light brown skin. MW2 stated the man was skinny and did not have facial hair. MW2 stated she was going to be charged $3,000.00 (USD) to be smuggled into the United States.

MW2 stated she was instructed to go to a pharmacy around 3pm and taken to an unknown house. MW2 stated she entered the vehicle around 6pm. MW2 stated there were four men present when she entered the compartment. MW2 stated an unknown man covered her with a black cloth. MW2 stated she could not describe the man who covered her. MW2 stated she did not see who the driver of the vehicle was. MW2 stated the vehicle did not make any stops before arriving to the port of entry. MW2 stated she was instructed not to look during her concealment. MW2 stated the person with whom she made the smuggling arrangements was not one of the four men present when she entered the vehicle.

During a videotaped proceeding, TORRES was advised of his Miranda Rights. TORRES acknowledged his rights and verbally elected to answer questions without an attorney present. TORRES admitted he is a citizen of Mexico with no documents to enter the United States. TORRES admitted he was deported by an immigration judge in April 2008. Although TORRES had knowledge of the concealed aliens, he stated he was not being paid and did not know where he was to deliver the vehicle. TORRES admitted knowing alien smuggling is against the law. TORRES admits knowing attempting to re-enter the United States after deportation is against the law. TORRES admits knowing presenting a United States passport not lawfully issued to him is against the law.

TORRES is being held in custody pending immigration proceedings. The United States continues to investigate criminal charges against TORRES.

The complainant states that Jorge PEREZ-GONZALEZ and Maria Luisa GARCIA-ROMERO are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to criminal charges and should be held or admitted to bail pursuant to Title 18, United States Code Section 3144.